

MICHELLE D. ALARIE, ESQ.
Nevada Bar No. 11894
ARMSTRONG TEASDALE LLP
3770 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
Telephone: 702.678.5070
Facsimile: 702.878.9995
malarie@atllp.com

ROMAINE C. MARSHALL, ESQ. (LR IA 11-2 admitted)
Utah Bar No. 9654
JOSE ABARCA, ESQ. (LR IA 11-2 admitted)
Utah Bar No. 12762
EMILY NUVAN, ESQ. (LR IA 11-2 admitted)
Utah Bar No. 17722
ARMSTRONG TEASDALE LLP
201 South Main Street, Suite 750
Salt Lake City, Utah 84111
Telephone: 801.401.1406
rmarshall@atllp.com
jabarca@atllp.com
enuvan@atllp.com

Attorneys for Plaintiff Robert Armijo

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT ARMIJO,

Plaintiff,

vs.

OZONE NETWORKS, INC. d/b/a OPENSEA, a
New York Corporation; YUGA LABS, LLC d/b/a
BORED APE YACHT CLUB, a Delaware limited
liability company; LOOKSRARE; and DOES 1 to
50,

Defendants.

Case No.: 3:22-cv-00112-MMD-CLB

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE TO
RESPOND TO MOTIONS TO
DISMISS (ECF NOS. 52, 56) AND
RELATED REQUESTS FOR
JUDICIAL NOTICE (ECF NOS. 54,
58)**

[FIRST REQUEST]

Plaintiff Robert Armijo (“Plaintiff”) and Defendants Ozone Networks, Inc. d/b/a OpenSea (“OpenSea”), and Yuga Labs, Inc. (“Yuga Labs”) (together with OpenSea, the “Stipulating Defendants”)¹, by and through their respective counsel, stipulate, subject to this Court’s approval, to extend the deadlines for Plaintiff to file responses to the pending Motions to Dismiss (ECF No. 52, 56) and related Requests for Judicial Notice (ECF No. 54, 58) by seven (7) days, or to June 24, 2022,

¹ Defendant LooksRare has not appeared in this action.

1 and to set additional briefing deadlines as set forth below. The Motions to Dismiss and related
2 Requests for Judicial Notice were filed on June 3, 2022, therefore, responses are currently due on June
3 17, 2022. This is the first request to extend these particular deadlines.

4 WHEREAS, on February 28, 2022, Plaintiff filed a Complaint in the above-entitled action
5 (ECF No. 1), image later corrected on March 1, 2022 (ECF No. 6);

6 WHEREAS, pursuant to this Court's April 26, 2022 Order Extending Deadlines To Respond
7 to the Complaint (ECF No. 27), OpenSea and Yuga Labs each timely filed motions to dismiss the
8 Complaint on June 3, 2022 (ECF Nos. 52, 56) and related Requests for Judicial Notice (ECF Nos. 54,
9 58);

10 WHEREAS, Plaintiff's deadline to respond to those motions and requests is June 17, 2022;

11 WHEREAS, Plaintiff has indicated that he is presently evaluating his right under Fed. R. Civ.
12 P. 15(a)(1)(B) to amend his Complaint once as a matter of course within 21 days after service of a
13 motion under Fed. R. Civ. P. 12(b), which deadline would be June 24, 2022, and which filing would
14 render moot the pending motions to dismiss;

15 WHEREAS, in light of the foregoing, Plaintiff has requested, and Stipulating Defendants do
16 not object to, a 7-day extension of time for Plaintiff to respond to the pending motions and related
17 requests, to June 24, 2022, so that his deadline to do so is concurrent with the 21 days Plaintiff has to
18 amend his Complaint;

19 WHEREAS, in the event that Plaintiff elects to oppose the pending motions by June 24, 2022,
20 Stipulating Defendants have requested, and Plaintiff does not oppose, a two-week extension of time
21 for Stipulating Defendants to file any reply brief, to July 15, 2022;

22 WHEREAS, in the event that Plaintiff elects, instead, to amend his complaint by June 24, 2022,
23 the parties have met and conferred and agree that Stipulating Defendants shall answer or otherwise
24 respond to the amended complaint by July 29, 2022. In the event Stipulating Defendants file
25 responsive motions, the parties agree to the following briefing schedule: Plaintiff shall have until
26 September 2, 2022 [35 days] to file any opposition, and Stipulating Defendants shall have until
27 September 30, 2022 [28 days] to file any reply briefs;

28 WHEREAS, this is the first request to extend these particular deadlines and the extensions will

not unduly delay proceedings, as this case is still in its infancy and no scheduling order is currently in place.

WHEREAS, this stipulation is entered into in good faith and is not filed for improper purposes.

NOW THEREFORE, Plaintiff and the Stipulating Defendants, by and through their respective counsel, stipulate that good cause exists under Local Rule IA 6-1 to extend Plaintiff's deadline to respond to the pending motions to run concurrent with his time for amending the complaint, and to amend and/or set a briefing schedule in connection depending on whether Plaintiff elects to file oppositions or file an amended complaint by that date, and jointly request, subject to the Court's approval, as follows:

- Plaintiff has until June 24, 2022, to file any responses to the pending Motions to Dismiss and related Requests for Judicial Notice;
- In the event Plaintiff elects to oppose the pending motions and requests, then Stipulating Defendants shall have until July 15, 2022, to file any reply briefs;
- In the event Plaintiff elects to file an amended complaint, Stipulating Defendants shall have until July 29, 2022, to file any answer or responsive motion(s) to the amended complaint; Plaintiff shall have until September 2, 2022, to file any response(s), and Stipulating Defendants shall have until September 30, 2022, to file any reply brief(s).

DATED this 17th day of June, 2022.

DATED this 17th day of June, 2022.

ARMSTRONG TEASDALE LLP

FENWICK & WEST LLP

By: /s/ Michelle D. Alarie
 MICHELLE D. ALARIE, ESQ.
 Nevada Bar No. 11894
 3770 Howard Hughes Parkway, Suite 200
 Las Vegas, Nevada 89169

 ROMAINE C. MARSHALL, ESQ. (pro hac vice)
 Utah Bar No. 9654
 JOSE ABARCA, ESQ. (pro hac vice)
 Utah Bar No. 12762
 EMILY NUVAN, ESQ. (pro hac vice)
 Utah Bar No. 17722
 ARMSTRONG TEASDALE LLP
 201 South Main Street, Suite 750
 Salt Lake City, Utah 84111
Attorneys for Plaintiff Robert Armijo

By: /s/ Katherine A. Marshall
 MICHAEL S. DICKE, ESQ. (pro hac vice)
 CA Bar No. 158187
 JENNIFER C. BRETAN, ESQ. (pro hac vice)
 CA Bar No. 233475
 KATHERINE A. MARSHALL, ESQ. (pro hac vice)
 555 California Street, 12th Floor
 San Francisco, CA 94104

 JOHN D. TENNERT, III, ESQ.
 Nevada Bar No. 11728
 FENNEMORE CRAIG, P.C.
 7800 Rancharra Parkway
 Reno, NV 89511
Attorneys for Defendant Yuga Labs, Inc.

1 DATED this 17th day of June, 2022.

2 **MUNGER, TOLLES & OLSON, LLP**

3 By: /s/ Jonathan H. Blavin

4 JONATHAN H. BLAVIN, ESQ. (pro hac
5 vice)
560 Mission Street, 27th Floor
6 San Francisco, CA 94105

7 JOHN P. DESMOND, ESQ.

8 Nevada Bar No. 5618

9 JUSTIN J. BUSTOS, ESQ.

10 Nevada Bar No. 10320

DICKINSON WRIGHT PLLC

100 W. Liberty St., Suite 940

Reno, NV 89501

11 *Attorneys for Defendant Ozone Networks, Inc.*
12 *d/b/a OpenSea*

13 **ORDER**

14 **IT IS SO ORDERED.**

15 _____
16 UNITED STATES DISTRICT JUDGE

DATED: _____
17
18
19
20
21
22
23
24
25
26
27
28